

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

THOMAS ROGER WHITE, JR., and
CHRISTOPHER MILLS, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

vs.

LG ELECTRONICS U.S.A., INC.,
SAMSUNG ELECTRONICS
AMERICA, INC., and SONY
ELECTRONICS INC., and JOHN and
JANE DOES (1-Unlimited) and ABC
Corporations (1-Unlimited),

Defendants,

Civil Action No. 17- 1775
(MCA)(SCM)

Hon. Madeline Cox Arleo, U.S.D.J.
Hon. Steven C. Mannion, U.S.M.J.

**REQUEST FOR
JUDICIAL NOTICE**

Pursuant to the Federal Rules of Evidence 201, Plaintiffs Thomas Roger White, Jr. and Christopher Mills (collectively, “Plaintiffs”) submit this *Request for Judicial Notice* in Support of Plaintiffs’ Opposition To Defendants’ Motion To Dismiss and the allegations contained in Amended Class Action Complaint.

Plaintiffs request an Order taking Judicial Notice of the following: the Letter dated July 12, 2018, from Edward J. Markey and Richard Blumenthal, United States Senators, to the Honorable Joseph Simons, Chairman of the Federal Trade Commission (“FTC”) (**a true and correct copy is attached here as Exhibit A**).

Judicial Notice is appropriate where a fact “can be accurately and readily determined from the sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). Here, Exhibit A is a co-letter from Senators Edward J.

Markey of Massachusetts and Richard Blumenthal of Connecticut wherein they state that they are very concerned about “*consumer privacy issues raised by the proliferation of smart-TV technology*” – and have asked in a letter addressed to Joseph Simons, the chairman of the FTC, that the FTC investigate the business practices of smart-television manufacturers amid worries that companies are tracking consumers’ viewing behavior without their knowledge. The Senators explicitly state that “*Smart TV users may not be aware of the extent to which their televisions are collecting sensitive information about their viewing habits . . . [and the Smart TV manufacturers] do[] not provide sufficient information about its privacy practices to ensure users can make truly informed decisions.*”

These are the exact concerns which are alleged in the Amended Complaint. Plaintiffs believe that the Court should have full notice of this legislative request for a full FTC-investigation into the privacy abuses by Smart TV manufacturers.

Respectfully,
/s/ Mack Press
BERMAN CLASS LAW

cc: all counsel of record (via ECF)

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